

## Administrative Order



**Administrative Order No.:** 3-8

**Title:** Transportation Administration

**Ordered:** 7/7/1981

**Effective:** 7/7/1981

### **Section 1 - AUTHORITY:**

Sections 4.01, 4.02 and 4.03 of the Metropolitan Dade County Charter; Sections 2-171, 9-3, 10-33 and 10-34 of the Code of Metropolitan Dade County, Florida.

### **Section 2 - SUPERSEDES:**

Administrative Order 9-49 dated June 5, 1979, and Administrative Order 3-8 dated October 16, 1979. For purposes of implementing the Stage I Rapid Transit Project, this Administrative Order also supersedes Administrative Order 3-2 dated April 7, 1981, to the extent the two may be in conflict.

### **Section 3 - POLICY:**

In order that a unified transportation system can be developed and managed in Dade County, there is hereby created an agency under the County Manager to be known as the Dade County Transportation Administration and to be headed by a Transportation Coordinator appointed by, and responsible directly to the County Manager. With the creation of this new Agency, both the Office of Transportation Administration and the Metro Transit Agency, are hereby abolished and their responsibilities and budgets merged into this new Transportation Administration.

### **Section 4 - RESPONSIBILITY OF TRANSPORTATION COORDINATOR:**

The Transportation Coordinator is charged with the following responsibilities:

1. The organization, staffing, and management of the Dade County Metrorail System including relationships with the contractor firms participating in the design, engineering, procurement and construction activities.
2. The administration and management of the Metrobus System.

3. The coordination, monitoring and evaluation of the various ground transportation activities in Dade County including, but not limited to the Traffic and Transportation Department activities, the transportation functions of the Public Works Department, and the Planning Department.
4. The filing of appropriate applications and the receipt of federal and state funds for the expansion of existing ground transportation systems and construction of the rapid transit system.
5. The review, analysis, and evaluation of state allocation procedures and the distribution of highway and expressway funds as well as funds received directly from federal sources through the Federal Highway Act of 1978 and other legislation.
6. The development of plans and participation in the development program for regulation of taxicab operations as appropriate and as established by the Legislature.

The dimensions of this responsibility include:

1. Policy coordination involving the development of departmental policies prior to their submission to the County Manager as well as the implementation of policy promulgated by the Board of County Commissioners through the County Manager;
2. Planning coordination to include the preparation of plans and their implementation;
3. Design, development, procurement, construction and operations of Metrobus and Metrorail, as well as other ongoing transit projects and service programs;
4. Program monitoring and evaluation coordination as it relates to each of the above; and
5. Providing assistance to the County Manager in the review and approval of all program budgets, requests for change, and amendments which are based on transportation strategies and priorities developed through the coordination process.

The Transportation Coordinator will establish a regular schedule of meetings with appropriate department heads to implement the coordination system outlined above. In carrying out these activities the Transportation Coordinator will act for the County Manager and report directly to him.

## **Section 5 - MANAGEMENT STAGE I RAPID TRANSIT PROJECT:**

In order for the Stage I of Metrorail to be emplaced within budget and time constraints, efficiently, in accordance with construction and procurement contract terms and conditions, in compliance with grant and joint agreements with governmental entities, and in compliance with Federal, State and County laws, codes, ordinances and regulations, a construction and procurement management system is hereby created specifically for this Project. This system of administration is accomplished by delegations of authority set out in the following paragraphs, and the promulgation and enforcement of Policies and Procedures Manual for Procurement and Construction Management and detail procedures issued thereunder.

To implement the system, the County Manager delegates to the Transportation Coordinator the authorities set forth below:

1. Authority to advertise contracts (including demolition contracts) for competitive bids, issuing bid documents, including addenda thereto, review bids and make recommendations to the Board of County Commissioners after bids are opened by the Clerk of the Board, and issue notices of award and notices to proceed after award.
2. Authority to provide in the bid specifications and contract documents that the contract time and liquidated damages for failure to comply therewith may be extended and waived before the specified date for completion of the contract to the extent that the liquidated damages waived or relieved do not exceed \$75,000 provided the aggregate of claims settled, changes or modifications made, and liquidated damages waived or relieved in an particular contract does not exceed ten percent (10%) of the original contract price.
3. Authority to execute contracts on behalf of the County Manager.
4. To the extent the aggregate of claims settled, changes or modifications made and liquidated damages waived or relieved in a particular contract do not exceed ten percent (10%) of the original contract price or \$75,000 per individual change order, whichever is less, the authority to direct or authorize, by executing a change order or written direction, a change in contract obligations. The Transportation Coordinator must report to the County Manager and the Board of County Commissioners on a monthly basis on the status of each contract as to schedule, costs, change orders and other relevant information concerning the contracts.
5. Authority to negotiate and execute settlement documents for claims whether or not in litigation, provided the aggregate of claims settled, changes or modifications being made and liquidated damages waived or relieved in a particular contract do not exceed ten percent (10%) of the original contract

price or \$75,000 per individual change order, whichever is less. If the claim is made by a contractor's attorney or the claim is in litigation, the Transportation Coordinator or his delegate shall act on advice of an assigned Assistant County Attorney.

6. Authority to exercise sanctions, as provided in the contract or granted by law against the contractor for its default or failure to comply with contract provisions, including by way of illustration but not limitation, a termination action and the withholding or postponement or partial or progress payments to a contractor.
7. Authority partially or wholly to terminate a contract for convenience of Dade County, to suspend work, to issue stop work orders, and to execute effectuating documents.
8. Authority to authorize partial or progress payments to contractors, of any size and nature, in accordance with the terms of the contract, whether or not based solely upon bid prices or prices negotiated in fully executed change orders, contract modifications, settlement agreements or supplemental agreements.
9. Authority to negotiate final contract settlement, authorize final payment and execute effectuating documents to the extent that the 10 percent or \$75,000 limitation is not exceeded.
10. Authority to determine work or materials are in conformity with contract requirements for various purposes under the contract, including by way of illustration for purposes of authorizing shipment of materials, partial or progress payment, determination of completion or substantial completion of the contract, issuing certificates of beneficial occupancy, final acceptance of the contract work, final settlement of the contract and final payment, in accordance with the terms of the contract.
11. Authority to provide in the bid specifications and contract documents that prime contractors submitting bids, list thereon or prior to contract award the names of all subcontractors that will be utilized on the contract.
12. Authority to approve or disapprove of Contractor proposed assignments, and labor and material subcontractors, subcontracts and subcontracting levels in accordance with contract terms.
13. Authority to sign bills of lading, invoices, delivery receipts and other documents acknowledging the receipt into Dade County custody of deliveries or partial deliveries under contracts and stating the condition or apparent condition of deliveries under contracts.

The Transportation Coordinator may redelegate to persons within the Office of Transportation Administration the authority specified above, provided any redelegation of authority must be submitted in writing to and be approved by the Board of County Commissioners as a condition of its becoming effective.

In addition to the powers delegated by the County Manager to the Transportation Coordinator who may further delegate to personnel within the Office of Transportation Administration, the Transportation Coordinator is authorized to delegate the following powers to personnel within the Kaiser Transit Group, the General Architectural and Engineering Consultant of Dade County for the Stage I Rapid Transit System:

1. Changes of a dollar value not exceeding \$5,000 or extending any time of completion which, if not extended, would require the assessment of liquidated damages not exceeding \$5,000. Such changes must be officially reported to the Transportation Coordinator within a period of no more than five working days from the date of change and be incorporated in reports of the Transportation Coordinator to the County Manager and Board of County Commissioners.
2. The power to determine work or materials are in conformity with contract requirements for the purposes of authorizing shipment of materials, accepting equivalent alternative products, approving shop drawings and supporting partial or progress payment.
3. The power to sign bills of lading, invoices, delivery receipts and other documents acknowledging the receipt into Dade County custody of deliveries or partial deliveries under contracts and the condition or apparent condition of deliveries under contracts, provided no authority may be delegated to alter or waive any obligation of the Contractor to Dade County with respect to the goods received into Dade County custody.

Any delegation or redelegation of authority to personnel within the Kaiser Transit Group must be submitted in writing to and be approved by the Board of County Commissioners as a condition of its becoming effective.

## **Section 6 - EMERGENCY ACTION:**

It is recognized that circumstances may arise which require emergency actions, and emergency being defined as an urgent and immediate need for construction or procurement actions, equipment, supplies or repair services, the lack of which would seriously handicap the construction and procurement activities associated with the Stage I Rapid Transit Project, where the protection or preservation of the Stage I Rapid Transit Development Project would not be possible through normal procedures and when the need for such actions, equipment, supplies or repair services was unforeseen and unanticipated.

In the event the Transportation Coordinator, or his designee, determines that an emergency exists which requires an immediate action, over and above limitations described above, he shall reduce the emergency to writing and consult with the County Manager, and/or the Dade County Purchasing Agent, after which he may award a contract under the procedures set forth in Section 7 of Administrative Order 3-2, regardless of the amount of the expenditure, or take other actions as required; however, if the expenditure is in excess of \$10,000 or the \$75,000 change order limitation is exceeded, the County Manager shall file a full report with the Board of County Commissioners and shall present the circumstances of the purchase to the Board for its ratification by resolution.

## **Section 7 - AUTHORITY OF TRANSPORTATION COORDINATOR TO ENFORCE POLICY AND PROCEDURES MANUAL**

The Transportation Coordinator is empowered to enforce a Policies and Procedures Manual for Procurement and Construction Management which is consistent with this and other Administrative Orders, the Dade County Code and other applicable laws, regulations and contract agreements, and to approve and issue the procedures necessary for its implementation.

## **Section 8 - AUTHORITIES NOT DELEGATED BY THE BOARD**

The following authorities remain with the Board of County Commissioners and are not delegated:

1. Authority to award all construction or procurement contracts in excess of \$10,000.
2. Authority to approve of a claim settlement, contract change or modification in excess of \$75,000 per change order or claim settlement, to waive or relieve liquidated damages in excess of \$75,000 the power to approve of a claims settlement, contract change to liquidated damage relief if when added to the aggregate or previously settled claims, changes and modifications and waivers of liquidated damages will cause the aggregate to exceed ten percent (10%) of the original contract price.

This Administrative Order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

M. R. Stierheim  
County Manager